

EXHIBIT 1

Tenn. Code Ann. § 29-28-106 (2010)

West's Tennessee Code Annotated
Title 29. Remedies and Special Proceedings
Chapter 28. Products Liability Actions ([Refs & Annos](#))

This section has been updated. Click [here](#) for the updated version.

T. C. A. § 29-28-106

§ 29-28-106. Sellers

Effective: [See Text Amendments] to September 30, 2011

(a) No “product liability action,” as defined in [§ 29-28-102\(6\)](#), shall be commenced or maintained against any seller when the product is acquired and sold by the seller in a sealed container and/or when the product is acquired and sold by the seller under circumstances in which the seller is afforded no reasonable opportunity to inspect the product in such a manner which would or should, in the exercise of reasonable care, reveal the existence of the defective condition. The provisions of the first sentence of this subsection shall not apply to:

- (1) Actions based upon a breach of warranty, express or implied, as defined by title 47, chapter 2; or
- (2) Actions where the manufacturer of the product or part in question shall not be subject to service of process in the state of Tennessee and where service cannot be secured by the long-arm statutes of Tennessee; or
- (3) Actions where the manufacturer has been judicially declared insolvent.

(b) No “product liability action,” as defined in [§ 29-28-102\(6\)](#), when based on the doctrine of strict liability in tort, shall be commenced or maintained against any seller of a product which is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user or consumer unless the seller is also the manufacturer of the product or the manufacturer of the part thereof claimed to be defective, or unless the manufacturer of the product or part in question shall not be subject to service of process in the state of Tennessee or service cannot be secured by the long-arm statutes of Tennessee or unless such manufacturer has been judicially declared insolvent.

Credits

1978 Pub.Acts, c. 703, § 6; 1983 Pub.Acts, c. 286, § 1.

Formerly § 23-3706.

T. C. A. § 29-28-106, TN ST § 29-28-106

Current with laws from the 2016 Second Reg. Sess., eff. through June 30, 2016. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.